

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EASTERN CONCRETE MATERIALS,
INC.,

Plaintiff,

v.

JAMER MATERIALS LIMITED,

Defendant.

No. 19-9032 (SDW)(LDW)

ORDER

December 10, 2019

WIGENTON, District Judge.

Before this Court is the Report and Recommendation (“R&R”) entered on October 25, 2019 by Magistrate Judge Leda D. Wettre (“Judge Wettre”), (D.E. 25), recommending that Defendant’s motion to dismiss this matter for lack of personal jurisdiction be denied without prejudice and that its alternative motion to dismiss for failure to state a claim be granted in part and denied in part. Defendant filed its objections to the R&R on November 15, 2019 and Plaintiff responded on December 6, 2019. (D.E. 29, 30.)

This Court has reviewed the reasons set forth by Judge Wettre in the R&R as well as the other documents in this matter and the parties’ filings. Based on the foregoing, and for good cause shown, it is hereby

ORDERED that the R&R of Judge Wettre (Dkt. No. 25) is **ADOPTED** as the conclusions of law of this Court. Defendant’s motion to dismiss for lack of personal jurisdiction (D.E. 9), shall be **DENIED**. Defendant’s motion to dismiss for failure to state a claim shall be **GRANTED without prejudice** as to Count Six (Tortious Interference with a Prospective Economic Benefit), and **DENIED** as to Counts One (Breach of Contract), Two (Breach of the Covenant of Good Faith

and Fair Dealing), Three (Conversion), Four (Violation of the New Jersey Consumer Fraud Act)¹,
Count Five (Fraud), and Seven (Unjust Enrichment).

SO ORDERED.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
cc: Parties
Leda D. Wettre, U.S.M.J.

¹ This count is improperly labeled “Count VI” in the Complaint.